

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	Case No. 8:05CR84
)	
Plaintiff,)	
)	
v.)	ORDER
)	
WAYNE LEE PETERSON,)	
)	
Defendant.)	

Before the court is the government's oral motion for a continuance of the trial currently scheduled for July 5, 2005. The government has requested the continuance because its key witness is unavailable. The defendant objects to any continuance. After considering the matter,

IT IS ORDERED that the government's request for a continuance in trial is granted. Jury trial is rescheduled before the undersigned in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, on **August 1, 2005, at 8:30 a.m.** Since this is a criminal case, the defendant shall be present, unless excused by the court. If an interpreter is required, one must be requested by the plaintiff in writing five (5) days in advance of the scheduled hearing.

The ends of justice will be served by granting the government's request for a continuance due to the unavailability of its witness, and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising from the date of trial to the newly scheduled trial date, namely, **July 5, 2005, through August 1, 2005**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act, for the reason that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 22nd day of June, 2005.

BY THE COURT:

s/ Joseph F. Bataillon
JOSEPH F. BATAILLON
United States District Judge